

REMARKS

STATUS OF CLAIMS

Claims 13-14 and 23-24 are cancelled herein. Claims 3-5, 11-12, 18 and 22 and 25-26 are pending and under consideration. At item 10 of the Office Action, the Examiner indicates that claims 3, 4, and 11 are objected to as being dependent on a rejected base claim. However, these claims are already in independent form. Specifically, these claims were rewritten in independent form in accordance with the Examiner's indication of allowability at item 12 of the February 20, 2004 Office Action.

Clarification of the status of these claims is respectfully requested.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

It is respectfully submitted that the present claim amendments overcome the rejection.

REJECTION UNDER 35 U.S.C. §103(a)

Using independent claim 5 as an example, this claim recites a collision detection unit detecting a collision of a piston with a valve due to operations of the linear compressor. The Examiner relies upon the general structure of FIG.1 of Yamamoto as teaching this feature. However, it is noted that this FIG. does not illustrate any valve, and the corresponding discussion does not describe a valve. Yamamoto, col.8, ln. 2-17.

It is acknowledged that an intake valve 15 and an ejector valve 16 are illustrated in FIG. 4 of this reference. In the corresponding description, Yamamoto claims to prevent over strokes of piston 14 by comparing an upper dead point position and an upper dead point reference value. Yamamoto, col.12, ln. 1-9. Since this system claims to prevent over strokes, it would not contemplate the need for a collision detection unit, and accordingly, no such unit is disclosed. Heymans does not overcome this deficiency in Yamamoto.

Independent claims 11, 12 and 22 are patentable over Yamamoto and Heymans at least for similar reasons as discussed with respect to claim 1.

Furthermore, independent claim 12 recites features of the peak detection unit such as a diode, capacitor, resistor and second resistor. It is respectfully submitted that the cited references do not teach these features, and it is noted that the Examiner has not addressed these features in the Office Action.

Accordingly, withdrawal of the rejection is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that affect is courteously solicited.

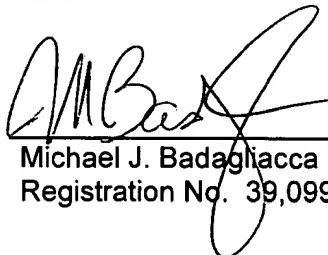
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-25-05

By: 
Michael J. Badagliacca
Registration No. 39,099

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501